

City Council Minutes  
Tuesday, September 16, 2014  
City Hall Auditorium  
7:00 p.m.

1. **Call to Order @ 7:05 pm**
2. **Pledge of Allegiance** – Mary Louise Bartley
3. **Roll Call** – Councilor McMilleon, Councilor Moavenzadeh, Councilor Sickorez, Councilor McClure, Councilor Bartley, Councilor Kelcourse and Councilor Sherwood. Councilor Ferguson arrived at 7:17pm and Councilor Lavoie arrived at 8:03pm.
4. **Act on minutes** – Councilor Sherwood moved to accept the minutes of July 8, 2014 and July 22, 2014 as submitted. Councilor McClure seconded and it was voted Unanimous.
5. **Mayoral Appointments –**  
**2014-104** Michael Buetow to Parks and Recreation Commission on, term to expire June 30, 2019  
Mr. Buetow stated he has been on the Little League Board of Directors for 3 years. He is happy with the use of the parks and wants the opportunity to help ensure public usage.  
Councilor Sherwood moved to accept as submitted. Councilor Bartley seconded and it was voted Unanimous.  
**2014-105** Christopher Holmes to Parks and Recreation Commission, term to expire June 30, 2019  
City Clerk, Bonnijo Kitchin stated that she received an e-mail which stated that Mr. Holmes would not be in attendance tonight. Councilor Sherwood moved to accept as submitted. Councilor Kelcourse seconded and it was voted Unanimous.  
**2014-106** Jeff Patulak to the Parks and Recreation Commission, term to expire June 30, 2019  
Mr. Patulak stated he has been in town for 13 years and has been a coach on Amesbury Youth Ball leagues. Councilor Kelcourse moved to accept as submitted. Councilor McClure seconded and it was voted Unanimous.  
**2014-109** Thomas Murphy to Lakes and Waterways Commission, term to expire June 30, 2016  
Mr. Murphy stated that he was new to Amesbury and that he is a retired teacher from Pennsylvania. He has been attending meetings and would like to contribute to the community. Councilor McClure moved to accept as submitted. Councilor Bartley seconded and it was voted Unanimous.  
**2014-110** Michelle DiMascio to Cultural Council, term to expire June 30, 2017  
Ms. DiMascio stated that she was new to town and has a background in corporate event planning and would love to bring more events to town.  
Councilor Sherwood moved to accept as submitted. Councilor McClure seconded and it was voted Unanimous.

**Licenses & Permits –**

- 2014-101** Pole Hearing – Public Hearing, National Grid – Fourth St.-3 Poles/2 Anchors  
Public hearing opened.  
John Butler from National Grid stated that Pole 1 replaces a private property pole on the right and the other two serve new homes on the other side.  
Public hearing closed.  
Councilor Sherwood moved to approve. Councilor Kelcourse seconded and it was voted Unanimous.  
**2014-102** Pole Hearing – Public Hearing, National Grid – Cedar St. – Pole 4 to edge of property line

September 16, 2014

John Butler from National Grid stated that this pole is for a new primary service.

Public hearing opened.

Michelle DiMascio asked if this work will impede the Studio Tours at the Cedar St. Studios when the work begins.

Mr. Butler stated that she would have to check with the contractors.

Public hearing closed.

Councilor Kelcourse moved to approve as submitted. Councilor McClure seconded and it was voted Unanimous.

**FYI-** List of Licenses below issued since July 22, 2014 - City Clerk

**New**

Common Victualler- Pleasant Valley Marina Café, 14 Pleasant Valley Rd., George Secchiaroli

Common Victualler- Bhagat, Inc. (Subway), 100 Macy St., Jitendra Patel

General Business- Shorts Gold & Silver, 50 Market St, Keith Darrell Short, Buy and Sell Numismatic Coins, Gold, Silver & Antiques

General Business, Brush Strokes & Grape Vines, 19 Elm St., Unit #1, Jeanette Lerner, Instructional Painting Lessons

General Business- Tyler Magaw Electrical Services, 29 Elm St., Tyler Magaw, Electrician

General Business- Minor Details, 24 Oak St. #3, Michael Mastrangelo, Mobile Detailing

Ice Cream Vendor- Northeast Ice Cream, LLC, 08 High St., Troy L. Bruton, Jr., Ice Cream Truck

General Business: Fiddlestix, 25 Main St., Joyce R. Reed – Retail Store

General Business: Pauls Service Company, 15 Boardman St., Paul E. Hanscom-HVAC

General Business: Richdale Convenience Store, 65 Friend St., Maya Patel (new owner)-Retail

General Business: Tessier Auto Body, 44 Collins St., Justin Tessier – Auto Repair

General Business: Christine Green Consulting, 23 Clarks Rd, Christine Green – Consulting

General Business: Harbor Practice Management, 18 Alenclair Dr, Andrea Lockhart- Medical Billing/Practice Mgmt.

General Business: Webley West Designs, 89 Market St, Jayne S. West – Website Development & Maintenance

General Business: Dupere Plumbing -9 Moody St. – David Dupere – Commercial and Residential plumbing

General Business: Amesbury Lubrication Center – 60 Elm St. - Najib Daaboul – Auto Repair

General Business: Creative Hope Design - 54 Huntington Ave – Bonnie Henry – Floral

General Business: Centerline Machine, Inc. – 100 Haverhill Rd. – Christopher Mellow – Auto Machine Shop

Common Victualler: Faith Ann's Unique Bread, Inc. – 12 Horton St. – Barbara Ensign

General Business: Net Technologies Inc., - 110 Haverhill Rd., Suite 230 – Brian M. Sullivan

General Business: Colby Upholstery – 18 Kendricks Ct., - Kathleen A. Colby

General Business: Eaton's Field Mowing, 22 Newton Rd. – Kevin S. Eaton

**7. Correspondence**

a. President/Vice President Communications

**2014-108** Re-appointments to Traffic and Transportation Commission – Eric Eby, Stephen Buonomo and Craig Berard

Councilor Ferguson moved to accept the appointments as submitted. Councilor Bartley seconded and it was voted Unanimous.

b. Communication from Elected Officials, Boards and Commissions

## **8. Public Comment**

**2014-114** Memorandum from Bill Scott – Update on Lower Millyard and EPA Coordination  
William Scott and Ted Bezenas of the EPA gave a presentation and update on the Lower Millyard project. (Attached)

Mr. Bezenas stated that he expected the remediation to be completed in 2 months. They will have a mobile laboratory and will be able to get data overnight.

Councilor McClure questioned if the neighbors had been notified.

Mr. Bezenas stated that a fact sheet was distributed and it stated that work would be started mid to late September; and he expects that the Newburyport News will also help to get the word out.

Barbara Bell, 37 Millyard asked about monitoring of dust that will be set up for surrounding neighborhoods.

Mr. Bezenas stated that there will be several dust monitors located at the perimeters that will be moved daily based on the wind direction of each day.

Councilor Sherwood asked if recreational boaters would be effected.

Mr. Bezenas stated that he did not see an issue.

Claude Gonthier, 112 Kimball Rd, stated that there is a retention pond site that he has never seen on any plans which is on 25 Water St.

Mr. Scott stated that the retention pond has been there since last fall. It addresses all of the drainage from Water St. and the parking lot. As the parking lot was enlarged and we went through a storm it was calculated that the retention pond was necessary and he believes it was designed in the fall of last year.

Mr. Gonthier stated that the retention pond has never been vocalized. That is property that was taken by eminent domain and was going to be used. Now that property is not going to be used. That is 3 to 4 thousand square feet of an 11 thousand square foot lot that is not going to be available to the public.

Jim Thivierge, 8 School St, commented on an article in the Globe. He stated he prepared a letter for the Council on a few things he would like them to look at; one being doing the classification in October; do a biennial budget. He suggests that any Free Cash that is left over be used to reduce the tax levy.

Jane Snow, Fern Ave, gave a presentation on work she did at the Old Corner Cemetery; cleaning stones and painting the sign; indexing burials for Amesbury's History. She stated that she has a CD that will go to the Library and Peter Dearborn. She would like to have it on the city website. She is looking for donations for flag holders. She also commented that there should be a budget specifically for replacement or upright stones. She commented that her next project will be indexing the veterans in all the cemeteries.

Councilor Ferguson stated that she is on most all the historical groups in town and this is very impressive and one of the nicest things she has seen anyone in Amesbury do, and the legacy she has given to Amesbury is unbelievable. She stated she would be glad to work with her to get some kind of grant through the Amesbury Improvement Association. She thanked her for doing this project.

Councilor Sherwood asked if Ms. Snow is asking anyone to help with the project or if she is working with anyone like the VFW or Improvement Association to receive donations.

Ms. Snow stated that she would gladly take suggestions.  
Public Comment was closed and Public hearings were opened.

**2014-097** An Ordinance to amend the Amesbury Municipal Code, Chapter 285 Fire Prevention by adding Section 7, Truss Construction Identification of Residential, Commercial and Industrial Buildings - Mayor Gray sponsor

Summary: This Ordinance provides that residential, commercial and industrial buildings that utilize truss type construction shall be marked by an emblem that informs persons conducting fire control and other emergency operations of the existence of truss construction.

Councilor McMilleon opened the public hearing.

Glenn Fournier, Assistant Fire Chief, stated that they are trying to add to the city Fire Prevention Code a means of marking commercial and residential structures that have some truss construction which is hazard in a fire situation. The reason for the marking is to warn the firefighters that there is a potential for collapse before they enter a building. This is supported by the NFPA Uniformed Fire Code and the Massachusetts State Fire Marshall's Office. We just want to prevent any catastrophes.

Denis Nadeau, Building Commissioner, stated that this is basically a public safety issue for the Firemen. He explained that a regular 2 x 4 in a normal fire would take about 1 ½ hours to burn through completely. TGI is nothing but a floor joist that has 5/8" particle board in the middle. The TGI because of the oil in the coating would take approximately 20 minutes to completely fail. The building code actually put in a new section 501.3 which requires all TGIs and Trusses to be covered with sheet rock. The intent is to ward Firemen of what they are going into and to save injuries.

Claude Gonthier asked who would identify what people have because most people don't even know what they have and what kind of identification will it be.

Mr. Fournier stated that they would work closely with the Building Inspector and his files to identify those who have truss construction. Residential will be a little more difficult but the commercial side most of them have truss roofs. Any future construction with trusses will show in the plans and will be a requirement of the permit to get this placard. It will be a 9 x 9 piece of reflective aluminum that will be affixed to the front of the structure on commercial buildings and residential buildings they will be placed on the side of the house where the electric meter is. The cost of the placard is around \$15.00.

Jane Snow, Fern Ave questioned what happens to residential structures that have vinyl siding; and cracking the siding installing the placard. She feels there should be more thought to this.

Councilor McMilleon closed the public hearing.

Councilor Lavoie read the Ordinance Committee recommendation which was to unanimously send back to the council for approval.

Councilor Bartley asked if it could be mounted on a pole; brick houses will have issues with mounting as well.

Mr. Fournier stated that they can look at different options to make it look more palatable. Each case may have different issues so they are open to suggestions to make it work.

Councilor Lavoie thanked Assistant Chief for coming and explaining at the Ordinance Committee. This is really a life safety issue for Firefighters entering a building not knowing what they are going to face. Fairness dictates that they are given every opportunity to survive what they are trying to do.

**Councilor Kelcourse moved to accept to amend the Amesbury Municipal Code, Chapter 285 Fire Prevention by adding Section 7, Truss Construction Identification of Residential, Commercial and Industrial Buildings. Councilor Bartley seconded. Roll Call Vote Unanimous**

**2014-098** An Ordinance to request that the City Council vote to amend the Amesbury Zoning Bylaw - Mayor Gray sponsor

Summary: The proposed zoning amendments seek to provide a regulatory mechanism for altering the dimensional requirements affecting redevelopment of existing historic properties in the PUD zoning districts. Under the proposed changes, Planning Board shall have the authority to grant relief from the dimensional requirements for PUD zoning districts through a special permit review process and thereby combine all permitting under one regulatory agency.

Councilor McMilleon stated that they had a letter from Nipun Jain, the City Planner and he is requesting that we continue this as the Planning Board is had to continue their hearing on it.

Councilor Lavoie stated that the Ordinance Committee met on this last week and after the meeting he received an e-mail from Nipun because he was not able to attend the Ordinance Committee that the Planning Board would like another meeting on this.

**Councilor Lavoie moved to continue this to the October meeting. Councilor Kelcourse seconded and it was voted Unanimous.**

## **11. First Readings**

**2014-107** – An Ordinance requesting the Municipal Council vote to amend the provisions of the Amesbury Zoning Bylaws to allow for the limited use of maintaining chickens as pets and for egg production in residential areas. – Councilors Kelcourse, McMilleon, Sherwood and Ferguson Sponsor

Councilor Kelcourse read into the record.

**Councilor Lavoie moved to refer this to the Planning Board and also to the Ordinance Committee and come back for a Public Hearing on October 14, 2014. Councilor McClure seconded and it was voted Unanimous.**

**2014-111** A Resolution supporting the inclusion of funds in the Governor's Fiscal Year 2015 bond authorization list - Mayor Gray Sponsor

Summary: The purpose of this resolution is to declare the City Council's support of the release of \$1,000,000 secured through H. 4375 for the permitting, remediation, and reconstruction of the bulkhead

wall along the Powwow and Back Rivers. The significance of this funding is outlined in the attached letter addressed to Governor Deval L. Patrick, signed by Mayor C. Kenneth Gray and dated September 3, 2014.

Councilor Kelcourse read into the record.

**Councilor Ferguson moved to approve support of the inclusion of one million dollars in the Governor's Fiscal Year 2015 bon authorization list as submitted by Mayor Gray. Councilor Sherwood seconded. Voted Unanimous - (9 Members)**

**2014-112** An Order to authorize the Mayor to enter into an inter-municipal agreement for the provision of multi-jurisdictional Harbormaster services. – Mayor Gray Sponsor

Summary: This order will authorize the Mayor, on behalf of the City of Amesbury, to enter into an inter-municipal agreement to include the City of Newburyport and the Town of Salisbury pursuant to M.G. L. c. 40 § 4A for the provision of multi-jurisdictional Harbormaster services.

Councilor Kelcourse read into the record.

**Councilor Ferguson moved to send this to the Finance Committee and the Ordinance Committee for a recommendation and have a public hearing at the next City Council meeting on October 14, 2014. Councilor McClure seconded and it was voted Unanimous.**

**2014-113** An Order to request the City Council to vote to authorize the establishment of a revolving fund with an annual budget for the Council on Aging - Mayor Gray Sponsor

Summary: This order will provide the establishment of a revolving fund under MGL Ch. 44 §53E1/2 for the Council on Aging.

Councilor Kelcourse read into the record.

**Councilor Ferguson moved to send this to the Finance Committee and the Ordinance Committee for a recommendation and have a public hearing at the next City Council meeting on October 14, 2014. Councilor McClure seconded and it was voted Unanimous.**

**2014-115** An Ordinance to request that the City Council vote to amend the Amesbury Zoning Bylaw and Amesbury Overlay Zoning Map – Mayor Gray sponsor

Summary: The proposed zoning amendments seek to modify the existing overlay district boundary to include portion of a parcel not currently included in the overlay district and to make modifications to the provisions of Section XL.S

Councilor Kelcourse read into the record.

**Councilor Ferguson moved to send this to the Planning Board and the Ordinance Committee for a recommendation and have a public hearing at the next City Council meeting on October 14, 2014. Councilor Lavoie seconded and it was voted Unanimous.**

**2014-116** An Ordinance to create a Special Event Permit Process - Councilors Sherwood, Lavoie and Ferguson sponsor

Summary: A. It is the purpose of the City Council to establish a comprehensive process for permitting special events conducted by the private sector using City streets, facilities or services and in some cases private facilities. It is recognized that these special events provide benefits to the citizens through the creation of unique venues for expression and entertainment that are not normally provided as part of governmental services.

Councilor Kelcourse read into the record.

Mayor Gray stated that he is very disappointed. He does not feel the problem has been defined. We have a permitting process which may need to be tightened up as evidence perhaps by the event that took place at the Sports Park a few weeks ago. It is unclear that this new legislation would even have avoided that. If someone doesn't want to abide by the law, no amount of legislation is going to prevent that. That is why you have fines. He stated that he is disappointed that we have to do this so quickly due to the time frame. He feels there isn't enough time to go through this and define the problem and find the holes in the structure and come up with new legislation to fill those holes. He commented on a Facebook blog by Councilor Sherwood for a request for information which was allegedly ignored and stated that the request was filled in three days. He stated that he would rather some verbal communication and asked for a public apology. He commented about the bill (section 10/page 6) which the hyperlink is from Stockton, CA and that the bill is verbatim and there is no disclosure. He stated that this will not be ready in three weeks; it needs to be pushed out a fair amount of time. He would like to see a committee put together to look at the current rules and regulations and come up with fixes to where they might be discrepant and come up with some proposed legislation.

Councilor Sherwood responded that this is a normal legislative process in which introducing something as a first reading can take three weeks, three months or even not come to fruition so he does not feel there is anything unusual introducing this and he does not feel that this is going to be a simple measure to work our way through. He commented on his communications that have been made to the Mayor's Office and that he has not gotten a response. He stated that he does not think that the recent Spartan Race is an exception whether this year or previous years we have had a history of having unmonitored large scale events that have put the public at risk or properties at risk which he would be happy to go over but does not feel it is the point of this evening. We can stand to review this process, and anticipates that this measure as many do, go through changes with this process. He is surprised with the shock and awe with the introduction of this legislation. He stated that he pulled information from Stockton, CA, Portland, ME and interviewed the City Manager in Portsmouth, NH and pulled information from all.

**Councilor Sherwood moved to refer this to the Ordinance Committee and also to a workshop to be scheduled by the Council President in conjunction with the Mayor with representation from the Council, the Mayor and any other department representatives he chooses to review this petition in light of the policy that we currently have, come back to Council with a draft. Councilor Kelcourse seconded.**

Councilor Lavoie stated that he feels there is a fundamental misunderstanding of the legislative process. He read a portion of a blog of September 1, 2014 by the Mayor that stated at the conclusion that "Permitting requirements for events are already in place. We can also make sure the penalties are sufficient to create the initiative to play by the rules. If the City Council wishes to offer legislation, I am happy to consider it."

This is the start of the legislative process. It could take weeks or months. He commented on events at the Sports Park and that DEP is now involved and fines for violations could be \$25,000 each day remaining in violation. There is a lot of work to be done and will probably take some time.

Councilor Sickorez commented that he would like to be sure that the current policy is reviewed at this time.

Councilor McMilleon stated he believed that was stated in the original motion.

Councilor Kelcourse asked if this should also go through the Ordinance Committee to start working. He feels this is going to take input from various departments throughout the city and he also feels this will take weeks or months to review.

Councilor McClure stated that while we need to go over the current process, to throw this much paper in front of someone who may come into town to have an event here, she doesn't want to frighten anyone away.

Councilor McMilleon called the vote on the motion to send this to Ordinance and to set up a workshop.  
**IN FAVOR: 8; OPPOSED 1 – McClure**

**2014-117** A Resolution encouraging the Mayor to appoint a temporary Special Committee to review all Boards, Commissions and Committees – Councilors Sherwood, Lavoie and Ferguson sponsor  
Summary: This resolution encourages the Mayor to act in pursuance of the Amesbury Home Rule Charter as amended in 2011 to appoint a temporary committee to review the purpose and need of boards, commissions and committees of the City and to make recommendations to the Mayor and City Council regarding any advisable changes.

Councilor Kelcourse read into the record.

**Councilor Sherwood moved to accept 2014-117. Councilor Ferguson seconded.**

Councilor Lavoie stated that basically this is a duty between the Mayor and the Council set out in the Charter. It should have happened back in 2013 and it didn't so it is an example of something that our current Mayor has inherited, but it is something that our Mayor and the Council need to act on.

Councilor Sherwood stated that this is a good governance measure and that we do have a good number of boards, commissions and committees; some which are active and some which are inactive and still on the books and we could probably streamline both our own involvement and citizen involvement and make sure we have boards for what we need them for and sunset boards that we don't need.

Councilor McMilleon asked the City Clerk about some software that is available for this process.

Mrs. Kitchin stated that she learned of this software at a conference this June and spoke with the Mayor and he appropriated the money so that we could get the software. She has been working adding the boards and committees and their commissions and once that is done we will fill it with the positions. Right now we are trying just get the people presently on as well as the missions that she got from a document that was prepared by the previous administration. She stated that she spoke with Mayor Gray today and offered her assistance in any research.



## **Voted Unanimous**

**2014-118** A Resolution requesting that Governor Deval Patrick include \$150,000.00 in the 2015 Fiscal Year Bond Authorization List for Improving Water Quality and lake Restoration at Lake Attitash.  
– Councilors Kelcourse and McMilleon sponsor

Summary: The purpose of the Resolution is critical to the efforts of the Lake Attitash Association to reducing blue-green algae and its toxins in Lake Attitash.

Councilor Sherwood moved to accept a late file. Councilor Kelcourse seconded and it was voted Unanimous.

Councilor Kelcourse read into the record.

**Councilor Ferguson moved to accept the resolution requesting Governor Duval Patrick includes \$150,000.00 in the 2015 Fiscal Year Bond Authorization List. Councilor Sickorez seconded.  
Voted Unanimous - 9- Yes**

Councilor Kelcourse moved to adjourn at 9:10 p.m. Councilor McClure seconded and it was voted Unanimous.

Respectfully Submitted,

Sharon Dunning  
Assistant City Clerk